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SO ORDERED

The trial is adjourned to
November 7, 2022 at 9:45 a.m.

MAY 23 2022

George B. Daniels
HON. GEORGE B. DANIELS

BY ECF

Honorable George B. Daniels
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Allen Scott Gardner v. Robinson, et al., 16 CV 1548 (GBD) (RWL)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for the defendants in the above-referenced matter. Defendants write to respectfully request that Your Honor adjourn the July 25, 2022 trial in this matter to a date after October 4, 2022. Counsel for plaintiff, Brian Steinwascher, Esq., consents to this request.

By way of background, on March 13, 2019, the parties requested an enlargement of time to complete discovery due to outstanding paper discovery and the postponement of defendants' depositions. See Civil Docket No. 80. On March 18, 2019, the Court granted the parties' request. See Civil Docket No. 81. On February 15, 2022 the parties participated in a Pretrial Conference with the Court at which time a trial date of July 14, 2022 was set. See Civil Docket Entry dated February 15, 2022. On April 11, 2022, Your Honor adjourned the July 14, 2022 trial to July 25, 2022. See Civil Docket Entry No. 122. On May 17, 2022, the undersigned filed a Notice of Appearance in this case replacing Assistant Corporation Counsel Brian Francolla as counsel for defendants. See Court Docket No. 123.

The instant adjournment is requested as three of the defendants are not available to participate in the trial currently scheduled for on July 25, 2022. Specifically, the undersigned is informed that during the week of trial alone (July 22nd to 27th) defendant Moultrie will be away on a previously planned vacation and defendant Cintron is on vacation from July 19th to 26th. Furthermore, defendant Cadena, who has since retired from the NYPD, has several vacations

scheduled throughout the summer with his family, including during mid-July and August. In order to ascertain the earliest possible availability of the defendants, the undersigned also confirmed that there is no week during the months of July, August and much of September in which the defendants will all be available. Notwithstanding, all defendants are available from September 26, 2022 until November 18, 2022. A member of plaintiff's legal team will be out of the office until October 4, 2022.

As such, defendants respectfully request that Your Honor adjourn the July 25, 2022 trial in this matter to a date after October 4, 2022. In the alternative, should Your Honor prefer to schedule a conference to discuss a trial date, the parties will make themselves available.

Defendants thank the Court for its consideration of the requests herein.

Respectfully submitted,

KellyAnne Holohan /s/

KellyAnne Holohan
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
Brian Steinwascher, Esq.
Attorney for Plaintiff